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Letter dated 17 September 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Zimbabwe, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 28 August 2009 from the Permanent Mission of Zimbabwe to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Zimbabwe to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and has the honour to submit a copy of Zimbabwe's report in fulfilment of its obligations under United Nations counter-terrorism resolutions (see enclosure).

Enclosure

Zimbabwe report

Zimbabwe legislation on terrorism

Zimbabwe recently enacted the Suppression of Foreign and International Terrorism Act Chapter 11:21 in 2007. Noting the general absence of domestic terrorism the act is meant to combat the infiltration of foreign and international terrorist organizations in Zimbabwe. In addition to it, we have other laws that empower police and other law enforcement agents to prevent, detect and combat terrorism.

Some of the Zimbabwean statutes stated below deal with matters relating to terrorism.

Laws addressing interception of communications

Interception of Communications Act [Chapter 11:20] of 2007

This Act is relatively new and is yet to be operationalised. Its beauty is that it seeks to provide for:

The lawful interception and monitoring of certain communications in the course of their transmission through a telecommunication, postal or any other related service or system in Zimbabwe.

It also provided for the establishment of a monitoring centre, which shall be known as the Monitoring or Interception of Communication Centre (MICC). Currently the body that is regulating telecommunications in Zimbabwe is the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ). This Body manages the national IP address.

The Act seeks to ensure the technical ability of the MICC to interface with a communications facility such as telecommunications line or switch to enable the interception of any communication carried on at that facility.

Internet service providers are compelled to provide assistance that will ensure that their postal or telecommunications systems are technically capable of supporting lawful interceptions, at all times and that they install hardware and software facilities and devices, to enable interception of communication at all times and that they provide one or more interfaces from which the intercepted communication shall be transmitted to the monitoring centre.

There must be basis for believing that communication relating to the ground, on which the application is made, is connected to terrorist activity or any other unlawful activity.

Laws restricting entry into Zimbabwe/security places in Zimbabwe

Immigration Act, chapter 4.02

Section 14 (1) (e) (i), (ii) or (iii) of the Immigration Act may be used to declare a visiting immigrant as a "prohibited person" once his background shows terrorist connections before he enters Zimbabwe. The Person with terrorist backgrounds qualify in terms of part 1 of the Schedule of specified offences, which may prevent him from entering the country.

Immigration officials are empowered to arrest, detain/hand over "prohibited person" to police in terms of section 8 of the same act. The police may invoke other laws such as Criminal matters, Mutual Understanding Act or the Extradition Act to detains and extradite terrorists whether passing through or seeking to stay in Zimbabwe should they be positively identified.

Protected Places and Area Act

The act designates the Minister of Home Affairs to declare certain places as protected places. Members of the public are restricted from access to these places.

The police or designated persons are empowered to arrest, detain and search. In this case, they may impound any firearms, explosives or other terrorist equipment from suspects of terrorism. This act is used for empowering law enforcement agents protecting key and vital installations.

Laws dealing with general execution of terrorist activities

Suppression of Foreign and International Terrorism Act, chapter 11:21

Under this statute, police officers and members of the intelligence services are specified as law enforcement agents. The act spells out several offences as follow:

- Engaging or participating in foreign or international terrorist activities (penalty is imprisonment for life) (section 3)
- Training as a foreign or international terrorists (penalty life imprisonment) (section 4)
- Recruiting or training foreign or international terrorists (penalty life imprisonment) (section 5)
- Possession of weapons for the purpose of foreign or international terrorist activities (penalty) (section 6)
- Harbouring, concealing or failing to report foreign or international terrorist (Penalty 10 years imprisonment) (section 9)
- Soliciting support for designated foreign or international terrorist organizations (Penalty 5 years imprisonment) (section 10)

- Supplying weaponry to foreign or international terrorist organizations (penalty life imprisonment) (section 11)
- Collection or supplying information for the purpose of foreign international terrorist/terrorist organizations (penalty 5 years imprisonment)
- Section 8 (1) provides for the Minister of Home Affairs to designate a notice by Statutory Instrument any foreign organization/international terrorists for identification purposes.

Criminal Law (Codification and Reform) Act, chapter 9:23

This act covers a wide range of criminal activities that may be interpreted as terrorism. These include:

- Treason (Section 20)
- Subverting constitutional government (Section 220)
- Insurgency, banditry, sabotage or terrorism (Section 23)
- Recruiting, training insurgents/bandits/saboteurs/terrorists (Section 24)
- Training as insurgent, bandit, saboteurs or terrorist (Section 25)
- Supplying weaponry to insurgent, bandit, saboteurs or terrorist (Section 26)
- Possession of weaponry for insurgent, bandit, saboteurs or terrorist
- Possession of dangerous weapons (Section 28)
- Harbouring, concealing or failing to report insurgent, bandit, saboteurs or terrorist
- Public violence (Section 36)
- Obstructing or endangering free movement of persons/traffic (Section 38)
- Possession of articles for criminal use (Section 40)
- Possession of offensive weapons at public gatherings (Section 43)
- Disrupting a public gathering (Section 44)

And aircraft offense committed by terrorist may be identified in the following section:

- Hijacking an aircraft (Section 147)
- Damaging, destroying or prejudicing the safe operation of aircraft (Section 48)
- Assaulting, intimidating or threatening a person on an aircraft (Section 149)
- Placing or carrying dangerous goods on an aircraft (Section 150)

Laws addressing handling of weapons/explosives

Explosives Act, chapter 10:08

- Section 3 of this Act prohibits the purchase/possession of explosives, storage o explosive without a licence.
- Section 8 set conditions for applying for an explosives storage license with a view o putting accountability and setting safe storage places for explosives.
- Section 9 prohibits the preparation, pressing home and firing of explosives unless on is licensed for blasting purposes in mining or quarrying purposes.
- Section 10 prohibits carriage of explosives in public transport.
- Section 12 and 13 empowers the police/inspectors of explosives to enter an premises/vehicle/land and search for explosives. They are empowered to seiz explosives, arrest offenders, and extract evidence for purposes of investigations an prosecution where they find conditions in contravening of this law and its subsequen regulations on safety explosives.

Firearms Act, chapter 10:09

- Section 4 prohibits possession, purchase or acquisition of firearms or ammunition without certificate/permit.
- Section 5 sets security conditions for granting firearms certificate (certifying to Controller o Firearms reasons for applying, public safe storage of firearm/ammunition).
- It also prescribes about inspection by police of storage facilities, assurance of applicant habits/criminal background before issuing permit.
- Section 9 and 10 vests the Controller of Firearms with power to refuse offering firearm certificate/permit or out restrictions to manufacture of ammunition where security/storage ar inadequate.
- Section 12 and 13 empower police to demand license/permit, arrest unauthorized possesso and obtain their particulars.
- Section 14 sets penalties for selling, transferring, accepting, testing repairing or possession o ammunition/firearm without permit/licence.
- Section 15 requires firearms dealers to be registered; with security, conditions attached for saf storage, keeping register of customers/transactions, full records of firearms sold, and ensurin public safety/security.
- Section 32 empowers a magistrate/justice, upon receiving information on oath to authorize th disposal of firearms and ammunition.

Laws addressing bio-terrorism
(Transmission of Pathogens)

Customs and Excise Act, chapter 23:02

Section 47 of this act may bar the entry of good/parcels into Zimbabwe under the auspices of "Goods prohibited from importation". Sections 11 and 12 of the same act authorize immigration officials to seize or open any packages or postal services suspected to be in contravention of the law.

Post and Telecommunication Services Act, chapter 12:02

> The transmission of harmful biological organisms by post which is done by terrorists may be treated "transmission of dangerous substances" or "prohibited articles" in terms of section 49, and 11 (1) (e) of this act. The postmaster general may order the seizure, opening or detention of suspected postal articles in terms of section 15 and 16 of the same act.

The Public Health Act, chapter 15:09, and Hazardous Substances Act, chapter 15:10

The two legislations set procedures for health boards to deploy qualified medical personnel for the purpose of quarantine, removal and destruction of pathogens causing infectious or notifiable diseases and the treatment of contaminated victims.

Laws crippling the financing of terrorist activities

> Serious Offences (Confiscation of Profits) Act, chapter 9:17
>
> Banking Use Promotion and Suppression of Money Laundering Act, chapter 24:24

These two pieces of legislation may be invoked to freeze and confiscate assets, income or profits from suspected terrorist activities once information is made available to police.

In both legislations, police may seize assets/profits for business or trading transactions for suspects/accused persons/organizations committing "serious offences" including terrorism. The profits or assets will be declared to magistrate/justice and confiscated to either the state or the requesting foreign country.